ment of such officers. Similarly many States have still not set up special courts for trying offences which have inter-State ramifications, in spite of the directives issued by the Central Government. This has become a common phenomena. The offenders are thriving and women are being exploited. This should be curbed.

I would, therefore, urge upon the State Governments to implement these Acts in letter and spirit so that women of this country may be saved.

Reported provision of facilities to American ships at Pakistani Naval Bases

श्री राम चन्द्र विकल (उत्तर प्रदेश) : उपसभापति महोदया, मैं इस सदन और आपके द्वारा पाक अड्डों पर अमेरिकी नौसेना को विशेष सुविधायें दिये जाने के महत्वपूर्ण सवाल पर सरकार का ध्यान दिलाना चाहता हूं ।

उपसभापति महोदया, न्यूयार्क में एक खबर छपी है कि पाकिस्तान अमेरिकी नौसेना को फारस की खाड़ी में संचालन के लिये अपने बंदरगाहों पर विशष सुविधायें प्रदान कर रहा है । अमेरिकी रक्षा विभाग के एक अधिकारी ने यह जानकारी दी है । इस अधिकारी ने अमेरिकी साप्ताहिक "इनसाइट" को बताया कि खाड़ी में जाने वाले अमेरिकी नौसैनिक गश्ती विमानों को पाकिस्तान ईंधन लेने की और अन्य सुविधायें प्रदान कर रहा है । ये सुविधायें करांची के नजदीक मसरूर नौसैनिक अड्डे से प्रदान की जा रही है । अखबार के अनुसार अमेरिका द्वारा पाकिस्तान को अरबों डालर की आर्थिक और सैनिक सहायता भी इन दिनों दी जा रही है ।

उपसभापति महोदया, यह उस समय हो रहा है जब पाकिस्तान और हिंदुस्तान की सीमाओं पर पाकिस्तान की तैयारियां विलक्षण ढंग से हो रही हैं और इन तैयारियों के साथ-साथ इस तरह की मदद दी जा रही है । यह स्थिति भारत की जनता और भारत सरकार के लिये चिन्ता का विषय है । साथ ही, इन दिनों जब कि इस तरह की सारी तैयारियां हो रही हैं, पाकिस्तान के प्रेसीडेन्ट जिया-उल-हक ने काश्मीर के संबंध में बयान दिया है और उसमें उन्होंने शिमला समझौते का विरोध किया है । इसको देखते हुये और इस तैयारी को देखते हुए आशंका और भी बढ़ जाती है । मैं इस विशेष उल्लेख के माध्यम से रक्षा मंत्री, अपने प्रधान मंत्री और विदेश मंत्री जी का ध्यान दिलाना चाहता हूं । इस तरह की जो तैयारियां पाकिस्तान के अंदर अमेरिका की मदद से हो रही हैं और वहां के प्रेसीडेंट का बयान जो शिमला समझौते के विरुद्ध काश्मीर के बारे में उठाया गया है ये सब ऐसी चीज हैं जिनकी तरफ पाकिस्तानी सरकार और अमेरिकी सरकार का ध्यान आवश्यक दिलाना चाहिए ।

STATEMENT RE. DELHI MUNICIPAL CORPORATION (SECOND AMENDMENT) ORDINANCE, 1987

THE DEPUTY CHAIRMAN: Now statement by Shri Chintamani Panigrahi.

SHRI LAL K. ADVANI (Madhya Pradesh): On a point of order. Madam Deputy Chairman, I rise on a point of order because I hold that law-making is the exclusive domain of Parliament, not of the executive, if the Indian Constitution has empowered the executive nevertheless to enact laws when the Parliament is not in session, it is only for emergency situations and when there are really compelling circumstances which could not wait. Only then this is to be done. I have had occasion to raise this matter earlier also whenever any Ordinance is promulgated. In this particular case, two Ordinances have been placed on the Table of the House; now, in respect of them an explanation is sought to be given to the House and then Bills in that regard are to be introduced. I submit that these are very specific cases where the Chairman must examine the explanations and decide as to whether this is not totally undemocratic, whether this explanation is not wholly spurious and phoney. I can give three dates which tell the whole story. I have with me a reply given to me in the Home Consultative Committee on the 10th of December 1987. On the 10th of December, 1987, in the Home Consultative Committee, I had asked as to what are the plans and the schedule

[Shri Lal K. Advani]

for elections in Delhi to the Metropolitan Council and the Corporation, and the reply that was given was: "The elections to the Municipal Corporation of Delhi and the Metropolitan Council are due in February and March 1988 respectively. To enable the holding of the elections..." That was the Government's intention at that time. "...To enable the holding of the elections, intensive revision of the electoral rolls was undertaken and the work is almost complete." This is what Parliament was informed on the 10th of December, 1987, meaning that the elections are going to be held in February and March as scheduled. The House continued upto 16th of December. Rajya Sabha sat upto 16th of December, and at no point of time, the Government came forth to suggest that it was going to appoint a high-powered committee to examine the entire set-up of Delhi and, therefore, Parliament's sanction is needed to postpone the elections. After all, the question of multiplicity of authoirty in Delhi has been an issue that has been debated for years and years and every political party, including the ruling party, and my party, is committed to change the set-up and give to the people of Delhi either an Assembly, as you want it, or full Statehood as I want it. But suddenly, on the 24th of December, just eight days after this House is adjourned, they come out with this Ordinance and the explanation given is—since morning I have been trying to find out what explanation they are offering and the explanation they offer is: 'Decision of the Government to constitute a committee headed by Justice Sarkaria to go into various issues connected with the administration of Union Territory of Delhi...Pending recommendations of the committee and the decision on the report of the aforesaid committee, it was considered expedient to extend the term of the existing Municipal Corporation and the Metropolitan Council for a period of one year each.

Now, what is it if not a fraud on the people of Delhi? What is it if not a constructive contempt of Parliament? After all, if they wanted to do it, they could have come to Parliament and said that this was the Bill. We had asked as to how long will the Sarkaria Committee take? They said six months. And what is the Ordinance? It provides for extension for three years, not one year. One year has been done now and even after that, two more years could be added. Madam, it is unfortunate that every single Union Territory in the country, almost everyone, including territories which have a population of only five lakhs, have been converted into States. They have been given full Statehood. Yet Delhi, with a population of eight million, eighty lakhs, continues to be denied this opportunity. And it is now denied an opportunity of even electing its representatives afresh.

Madam, the term of the Delhi Municipal Corporation expired in February, 1987. At that point of time, it was said that the term was being extended for one year in order to ensure that the Metropolitan Council elections and the Corporation elections were held together. For that purpose, one year extension was given and now both the elections have been postponed for a period of one year with the authority vested in the Government, in the executive, to postpone the elections for another two years. My charge, Madam, is that this is a grave assault on the democratic rights of the people of Delhi. My charge is that this is a constructive contempt of Parliament and, therefore, I have raised it as a point of order and I seek your intervention. In the past, very many presiding officers have repeatedly admonished the Government on this practice of taking recourse to the power under article 123 which empowers Government to enact legislation when Parliament is not in Session. I have gone through the elaborate correspondence which the Speaker, Mr. Mavalankar, the first Speaker of the Lok Sabha, had with Pandit Nehru in this regard and the strong words which he used even in the case of Nehru, that this practice of promulgation of Ordinances was basically undemocratic, and that therefore, it should be invoked only in very exceptional circumstances. In this

case, there are no exceptional circumstances which this statement brings out and, therefore, I strongly oppose the laying of this statement on the Table of the House and I also strongly oppose introduction of any Bill in this regard. I would request you to first examine this, examine whether the legitimate authority of this Parliament has not been encroached upon by the executive because it is only the presiding officers who can really safeguard the rights of the Legislatures and of Parliament. Thank you, Madam

SHRI M. A. BABY (Kerala): Madam Deputy Chairman, first of all, I thank you for giving me an opportunity to raise my objection. Madam, I associate myself with the sentiments and views expressed by my erudite colleague, Shri Advani. This is not the first time that we are discussing this subject in this august House. This has become a practice with this Government. As soon as Parliament adjourns, right from the first midnight, Government starts issuing Ordinances. During my short tenure in this House so far, I have seen this matter being discussed many times. The former Chairman of this august House, who is now the President, took note of this point and gave a directive to the Government that this should not be resorted to. Of course, we know that the Government can take recourse to this power provided for in the Constitution in regard to legislation by Ordinance. But it should be done only in extraordinary situations. We would like to know what was the extraordinary situation which forced the Government to take recourse to this provision

In regard to the question of giving Statehood to Delhi and all that, if a high-powered committee has been constituted to go into the details of these things, it could have been discussed in this House. Why should you wait till the expiry of the term of the Delhi Municipal Corporation? This is the pointed question we would like to ask. With the sort of things happening in Meghalaya and Tripura, I do not know whether the Government is waiting to engineer a situation where the elections can be held in a particular atmosphere by declaring the whole of Delhi as a disturbed area and deploy the Army as well that the results of the elections can be manipulated. Here our pointed accusation is that this Government at the Centre today is afraid of approaching the people for their verdict after having suffered a defeat.

I, therefore, request Madam Deputy Chairman to give a ruling on this question whether this tampering with the democratic process and encroaching upon the rghts and prerogatives of this type of august bodies can be allowed by the Central Government

SHRI N. E. BALARAM (Kerala): Madam Deputy Chairman, I fully associate myself with the views expressed by hon, Mr. Advani here. Ordinances can be issued only in exceptional circumstances, all of us know that. While I was going through the Statement of Objects and Reasons, I could not follow whether there were any exceptional circumstances which persuaded them to issue an Ordinance on Delhi. I was carefully reading it. If we do not adhere to the principle of 'exceptional circumstances' in issuing ordinances, definitely we are violating, according to me and according to all of us, the right of the Parliament. I was not aware of the fact which Mr. Advani has just now pointed out that in the Consultative Committee meeting a statement was issued that at the proper time elections would be held in Delhi. That is a new thing. But if that was the understanding of the Government at that time, why should they speak of Sarkaria Commission now? The Commission is making enquiries, studying the problem, but how would it hamper the process of holding elections? Will the elections hamper the working of the Sarkaria Commission in any way? I was going through the reasons given here. What are you going to do with the Delhi Milk Scheme? How is it connected with elections? You have talked of the Delhi Development Authority, Delhi Electricity Supply Undertaking, Delhi Transport Corporation. Are you going to abolish them? What is the assignment given to the Sarkaria Commission? What are its terms of reference? This Statement of Objects and Reasons, according

[Shri N. E. Balaram]

to me, does not give a reasonable explanation for issuing an Ordinance in this context. So, I do not think that this is a firm and sufficient ground to issue such an Ordinance here. I really feel that there is something in their mind which they do not want to express openly. That is my feeling. I do not want to politicise everything, but my feeling is that for having elections in Delhi you have your own apprehensions.

SHRI DIPEN GHOSH (West Bengal): That they will be defeated. (*Interruptions*).

SHRI N. E. BALARAM: Certainly, you are losing, no doubt about it.

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Before every election you always speak this dialogue. (*Interruptions*)

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Is he the spokesman of the Congress Party so that he is talking of the electoral alliance?

SHRI N. E. BALARAM: I know better than you. I was in Tamil Nadu jail before you were born.

SHRIMATI JAYANTHI NATARAJAN: We are in 1988 today.

SHRI N. E. BALARAM: I know. You do not know anything. Your grandfather Bakthavatsalam and myself, both were in jail.

SHRI VITHALRAO MADHAVRAO JADHAV: Age is not a factor.

THE DEPUTY CHAIRMAN: Will you please come to the subject?

SHRI N. E. BALARAM: Now the Prime Minister is going to have a new colleague in Tamil Nadu. It has just come in the papers that that particular lady wanted to commit Sati when MGR died.

SHRIMATI JAYANTHI NATARAJAN: This is not the subject, Madam.

THE DEPUTY CHAIRMAN: No digression, please. Come to your subject.

SHRI N. E. BALARAM: The principle of the ruling party now is principle of convenience. They have given up all their ideals. They are afraid that if the elections are conducted in proper time in Delhi, they will perhaps be defeated. That is the real reason behind this Ordinance. That is my feeling. So they are not saying the truth. Even truth cannot be told by people like you. They are afraid of truth, I know that. I do not want to say anything more on this. I will speak more about it tomorrow when the President's Address comes up for discussion. But what I am saying, Madam, is, what are you going to do with the Delhi Milk Scheme? What has it to do with Sarkaria Commission? Are you going to abolish it tomorrow? Or are you handing it over to the State Government? If you are giving statehood to Delhi, that is a different matter. If that is the idea, I can understand it. All of us support it. But it is not what is given here in the statement given to us. So I totally oppose the introduction of this Bill.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam, the Statement of Objects and Reasons of this Bill makes a very strange reading indeed. It makes a strange reading because there is no reasonable compulsion to postpone the elections in Delhi. What is made out in the statement is that there is a multiplicity of institutions in Delhi, as if it is a new discovery, and there has been overlapping of functions. There are the reasons responsible for postponing the election itself. A Committee under Justice Sarkaria has been constituted, according to the statement, to look into the issues involved and to make recommendations. And the strangest part of it is because this Committee is there, in anticipation of the Committee's recommendations, they are going to postpone the elections. This is the logic, this is the reason, this is the compulsion. My friends in the Government expect us to swallow these reasons, these arguments.

My colleague, Advaniji, has commented on the Ordinance and the use of Ordinance-making power by the Government. I only add one thing to what he has said:

Ordinance-making power given to the Government under the Constitution is being increasingly misused to subvert the intentions of the Constitution. Ordinance should be a rear affair. It should not be resorted to off and on, frequently, to suit the convenience of the executive. This point was made out very strongly by the Congress Party itself while it was in the Opposition in Parliament sometime back. Now they advance a strange argument—it is expedient to have this Ordinance for Delhi—and they must have some reasons after all. The reasons are those that I have already quoted. The country will not accept these reasons as important. Parliament cannot, in their wisdom, accept that these reasons are correct and proper.

Why, then, this Ordinance, soon after the last Parliament session ended and before we met in this session? Why had they to wait till the last session ended to issue this Ordinance? The only reason, the obvious reason—the only conclusion—is, the Congress wants to avoid elections in Delhi. My friend has already said that they are afraid of elections, they are afraid to face the elections last they lose the election. Otherwise there is no other reason. This is the real and only reason. The only reason why this is being done is that the Centre wants to benefit its own party.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Postpone the D-Day!

SHRI M. S. GURUPADASWAMY: They want to avoid a defeat in the poll. There is no other reason.

SHRI PARVATHANENI UPENDRA: How long?

SHRI M. S. GURUPADASWAMY: And they want the extension for three years, if need be. One year, two years, three years—why? What is the compulsion for extending this term for three years?

Therefore, Madam, resorting to Ordinance to subvert the basic process of democracy cannot be supported by any sensible person in Parliament. Even those friends who are on the Treasury Benches will, in their calmer moments, agree that this method, this effort on the part of the Government to avoid an early poll in Delhi will not even help the Congress Party in the long run.

SHRI LAL K. ADVANI (Madhya Pradesh): They postponed it in Haryana.

SHRI M. S. GURUPADASWAMY: If they postpone it more and more, they invite their own self-destruction more and more.

Madam, I oppose this effort on the part of the Government to postpone the elections in Delhi and I oppose this Ordinance and the Bill. Thank you.

SHRI MURASOLI MARAN (Tamil Nadu): Madam Deputy Chairman, I rise to support the pleadings of Mr. Advani, and I oppose the introduction of the Ordinances and the Bills.

Madam, strangely, the two Bills, the Delhi Municipal Corporation (Amendment) Bill and the Delhi Administration (Amendment) Bill contain the same Statement of Objects and Reasons because they have the same purpose. The purpose is to postpone the election for one year. We know the Government here is apprehensive of the result of the elections if held according to the schedule.

Madam, look at the reasons in the Statement of Objects and Reasons. Because there is multiplicity of institutions in Delhi, they have appointed a Committee headed by Justice Sarkar to go into the existing administrative and municipal authorities in Delhi, their nature and the extent of overlapping of functions. There is a saying in Tamil, if you want to postpone something, if you want to put something into cold storage, you appoint a committee. That is the saying in Tamil. You want to postpone the election. So, you appointed the Committee with Mr. Justice Sarkaria as the Chairman. Madam, the reasons are actually spurious and frivolous. The Committee has been appointed. They say, the Committee may recommend amendments to the existing law and make other suggestions. So pending receipt of the recommendations of the

[Shri Murasoli Maran]

Committee and decision thereon, it was considered expedient, they say. Madam, they expect certain recommendations from the Sarkaria Committee.

Now they swear by the Sarkaria Committee. The Sarkaria Commission has given a report on the Centre-State Relations. In that Report, they have strongly advocated, before appointing Governors the Centre should consult, effectively consult the State Government. Are you obeying it? Are you following it? You are talking as if you are following all the committee reports and commission reports. Now you are saying that you are awaiting the big thing, a report from Justice Sarkaria. We do not know when it is going to come. So, it is a spurious reason. We cannot accept the reason. Therefore, Madam, I strongly object to introduction of these Bills.

THE DEPUTY CHAIRMAN: Mr. Minister.

SHRI SATYA PRAKASH MALAVIYA (Uttar Pradesh): Madam, I will speak.

THE DEPUTY CHAIRMAN: I don't have your name. You should have given your name before it was started, not after that. No please.

श्री सत्य प्रकाश मालवीय : इसमें नाम देने की जरूरत नहीं ।

उपसभापति : इस में तो नाम नहीं ।

श्री सत्य प्रकाश मालवीय : मैं नाम दे रहा हूं ।

उपसभापति : मेरे पास तो नाम नहीं है ।

SHRI KALPNATH RAO (Uttar Pradesh): Sit down.

SHRI ALADI ARUNA *alias* V. ARUNACHALAM (Tamil Nadu): The Chair is here, but the order is coming from there.

SHRI MOHD. KHALEELUR RAHMAN (Andhra Pradesh): Two minutes, Madam.

THE DEPUTY CHAIRMAN: No.

SHRI PARVATHANENI UPENDRA: Our party, after all...

SHRI MOHD. KHALEELUR RAHMAN: One minute.

THE DEPUTY CHAIRMAN: All right. I will allow only him.

श्री सत्य प्रकाश मालवीय : हम को भी दो मिनट दे दीजिए ।

उपसभापति : नहीं ।

श्री सत्य प्रकाश मालवीय : एक मिनिट दे दीजिए ।

उपसभापति : एक मिनिट से ज्यादा नहीं ।

श्री मोहम्मद खलील-उर-रहमान : माननीय डिप्टी चेयरमैन साहब सेंट्रल गवर्नमेंट की जानिब से जो दिल्ली म्युनिसिपल कार्पोरेशन एमेंडमेंट बिल 1988 और दिल्ली एडमिनिस्ट्रेशन एमेंडमेंट बिल 1988 इंट्रोड्यूस किया जा रहा है, मैं और मेरी पार्टी इसकी सख्ती से मुखालफत करते हैं और जैसाकि अभी हमारे हाउस के सीनियर मेंबर जनाब एल० के० आडवाणी साहब ने कहा, उनके ख्यालात से मैं पूरा-पूरा इत्तफाक करता हूं । जब 10-12-1987 को होम एफेयर्स की कंसल्टेटिव कमेटी फार्म की गयी थी तो उसमें यह वायदा किया गया था कि दिल्ली म्युनिसिपल कार्पोरेशन और दिल्ली एडमिनिस्ट्रेशन के इलेक्सन फरवरी और मार्च 1988 में होंगे । इस सिलसिले में इलेक्टोरल रोल तैयार किया गया है और उस वक्त तक मुकम्मल तैयार हो जाएगा । उस वक्त इत्तखाबात से इल्तबात की बात नहीं कही गयी । बाद में हमारा राज्य सभा का जो लास्ट सेशन था वह 16 दिसम्बर 1987 को खत्म किया गया और उसके फौरन बाद एक आर्डिनेंस लाया गया । अब इस किस्म का बिल पेश किया जा रहा है । इससे जाहिर होता है कि यहां की मौजूदा हुकूमत

इलेक्शन से डर रही है और इलेक्शन करवाना नहीं चाह रही है और ऐसी हालत पैदा करने जा रहे हैं जिससे त्रिपुरा मेघालय आदि में हुई है और उनको डिस्टर्ब्ड एरिया बनाकर फौजी हुकूमत वहां पर कायम करके वहां पर इलेक्शन कराये गये । लिहाजा मैं और मेरी पार्टी इस बिल के इंट्रोडक्शन की पूरी तरह से मुखालिफत करते हैं ।

†[محمد خلیل الرحمان: مانیکے ڈپٹی چیرمین صاحب - سینٹرل گورنمنٹ کی جانب سے جو دلی کارپوریشن امنڈمنٹ بل ۱۹۸۸ اور دلی ایڈمنسٹریشن امنڈمنٹ بل ۱۹۸۸ انٹروڈیوس کیا جا رہا ہے میں اور میری پارٹی اسکی سختی سے مخالفت کرتے ہیں - اور جیسا کہ ابھی ہمارے ہاؤس کے سینیر ممبر جناب ایل - کے - ایڈوانی صاحب نے کہا انکے خیالات سے میں پورا پورا اتفاق کرتا ہوں - جب ۱۰ - ۱۲ - ۱۹۸۷ کو ہوم آفیرس کی کنسلٹیٹیو کمیٹی فارم کی گئی تھی تو اسمیں یہ وعدہ کیا گیا تھا کہ دلی میونسپل کارپوریشن اور دلی ایڈمنسٹریشن کے الیکشن فروری اور مارچ ۱۹۸۸ میں ہونگے - اس سلسلے میں الیکٹرورل رول تیار کیا گیا ہے - اور اس وقت تک مکمل تیار ہو جائیگا - اس وقت انتخابات کے التوا کی بات نہیں کہی گئی - بعد میں ہمارا راجیہ سبھا کا جو لاسٹ سیشن تھا وہ ۱۶ دسمبر ۱۹۸۷ کو ختم کیا گیا اور اسکے فوراً

[Transliteration in Arabic Script]

بعد ایک آرڈیننس لایا گیا - اب اس قسم کا بل پیش کیا جا رہا ہے - اس سے ظاہر ہوتا ہے کہ یہاں کی موجودہ حکومت الیکشن سے ڈر رہی ہے - اور الیکشن نہیں کروانا چاہ رہی ہے - اور ایسی حالت پیدا کرنے جا رہے ہیں جیسی تریپورہ - میگھالیہ وغیرہ میں ہوئی ہے - اور انکو ڈسٹربڈ ایریا بنا کر فوجی حکومت وہاں پر قائم کرکے وہاں پر الیکشن کرائے گئے - لہذا میں اور میری پارٹی اس بل کے انٹروڈکشن کی پوری طرح سے مخالفت کرتے ہیں -]

श्री सत्य प्रकाश मालवीय : महोदय ये दोनों विधेयक जो पेश किये जा रहे हैं दिल्ली नगर निगम संशोधन विधेयक और दिल्ली प्रशासन संशोधन विधेयक इनका मैं विरोध करता हूं ।

महोदया, इसका कारण यह है कि जो दिल्ली महानगर परिषद् और दिल्ली नगर निगम के पिछले चुनाव हुये थे वह एक निश्चित अवधि के लिये हुये थे और जनता ने आदेश दिया था कि 5 वर्ष के लिये दिल्ली प्रशासन की मैट्रोपोलिटन काउन्सिल और 4 वर्ष के लिये दिल्ली नगर निगम के जन- प्रतिनिधि अपना काम करें । तो उसकी अवधि बढ़ाने का विधेयक लाना और वह भी अध्यादेश के जरिये, यह जनता के साथ खिलवाड़ करना है, उसकी भावनाओं के साथ खिलवाड़ करना है क्योंकि जनता ने एक निश्चित अवधि के लिये चुन कर उनको भेजा है । महानगर परिषद् की अवधि 16 मार्च और नगर निगम की 7 फरवरी, 1988 को समाप्त होनी थी, तो कोई कारण नहीं कि समय पर चुनाव न कराये जायें । इसका मतलब यह है कि जनता के पास सत्ताधारी पक्ष के लोग नहीं जाना चाहते हैं । इलेक्शन आप नहीं कराना चाहते हैं और केवल कानून के जरिये,

(श्री सत्य प्रकाश मालवीय)

अध्यादेश के जरिये, जन-प्रतिनिधियों को अवधि को बढ़ाना चाहते हैं। इसलिये ये दोनों विधेयक लोकतंत्रीय मान्यताओं के विरुद्ध हैं अतः मैं इन दोनों विधेयकों के पुरःस्थापन का सख्ती से विरोध करता हूं।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): I am extremely grateful to the hon. Members who participated in the discussion opposing the introduction of this Statement and the Bill. They based all their arguments on one thing that the Congress is afraid of elections and that the Congress will be defeated if we had gone in elections in February in Delhi. Therefore, the ordinance was brought in. Here I must make it clear that our Government is never afraid of elections. During the last one and a half years or two years we have gone in elections in Haryana, we have gone in elections in Jammu and Kashmir, we have gone in elections in Nagaland, we have gone in elections in Kerala in Tripura, Meghalaya and even in the small States like Mizoram district elections which were to be held on schedule and it was not our Government, we went in for elections in due scheduled time. Therefore, we are not afraid of going to elections. We are quite sure that we take elections as a parliamentary process given to us under the Constitution. Whenever elections come at any due time, we have been going for it and are fighting the elections. But we are not frustrated when we are defeated somewhere as others get frustrated very much when we gain in the elections. We take elections as an important part in a parliamentary process. I am quite sure, in spite of the prophets of gloom, when elections in Delhi come after the Sarkaria Report comes in after considering whatever points that have been raised during the last one year in Parliament on a number of occasions through questions that the people of Delhi are not satisfied with the multiplicity of institutions like DESU we will fight the elections. Because of the multiplicity of institutions people in Delhi have to go to different places for redressal of their grievances. Now, Mr. Balaram was asking what Delhi Milk Supply Scheme has to do with it. Yes, it has to do with it because we have to think over whether we can have a kind of a centralised coordinated organisation so that it can cater to the needs of the public in Delhi. During the last one year every session in Parliament there were questions and discussions and even friends like Advani Ji and others, some even from our side also, were asking why not give Assembly to Delhi as the population of Delhi in now 80 lakhs, when we have given Statehood to Nagaland, Mizoram and even to Goa, Daman and Diu. So, it was a concern of all the people of Delhi.

Supposing we had gone in for elections in February, then naturally we would not be able to thrash out all these problems—whether we should have Assembly in Delhi or give more administrative set-up to Delhi—which can give Delhi a real satisfaction. Mr. Advaniji has described this Ordinance as 'very spurious and phoney'. He used all kinds of words. I do not want to repeat them all because I respect him.

SHRI LAL K. ADVANI: The excuse is spurious and the reasons given, are phoney.

SHRI CHINTAMANI PANIGRAHI: Madam, Mr. Advani ji has said that law making remains as an executive domain and not of the Parliament. But we are using the Ordinance very sparingly. During the last one year how many Ordinances we have used, Members know very well. We have used them very sparingly. As per schedule, I can read out. You said that 16th was the last date of the session.

श्री लाल कृष्ण आडवाणी : 16 तारीख और 24 तारीख के बीच में क्या हुआ कि अचानक आप को ख्याल आया सरकारिया कमेटी की।

श्री चिंतामणि पाणिग्रही : आठ दिन का डिफरेंस है।

श्री लाल कृष्ण आडवाणी : आप स्वयं कह रहे हैं कि साल भर से सारे

सदन की राय थी कि यहां का ढांचा बदलना चाहिये । साल भर से आपने क्यों नहीं किया ? 16 तारीख से पहले कर सकते थे यह बिल ला कर और वह सारे हाऊस को बताता कि यह क्यों कर रहे । आपने आर्डिनेंस मेकिंग पावर क्यों यूज की ।

Madam, the question is whether the scope of this Parliament has been encroached upon or not. I charge this Government with encroaching upon the domain of Parliament and seek your protection in this regard and seek you admonition to the Government.

SHRI CHINTAMANI PANIGRAHI: Madam, I strongly refute it.

SHRI DIPEN GHOSH: Mr. Panigrahi, what prevents you to tell us as to what happened during these eight days? What made you to bring the Ordinance? What prevented you to bring the Bill when the Parliament was in session?

SHRI CHINTAMANI PANIGRAHI: Mr. Dipen Babu; I will explain it to you. It is not because of these eight days. This exercise was continuously going on and we tried to find out what to do so that we can meet the aspirations of the people of Delhi. That was the thing. Ultimately the people of Delhi will realise this and the Congress will win the Delhi elections.

SHRI DIPEN GHOSH: Then, hold the elections tomorrow.

SHRI CHINTAMANI PANIGRAHI: In spite of politicising the whole thing, the people of Delhi have realised that it is to their advantage and benefit. Perhaps, when they get the privilege they will go exercise their democratic rights. Now, we are giving them a committee and good results will come after the deliberations.

Madam, I also refute the charge or insinuation that there is a grave assault on the democratic rights of the people of Delhi. We are trying to give them more democratic rights so that they can have more democratic participation in the administrative set up of Delhi. This is the object of this Bill.

According to rule 66 of the Rules of Procedure and Conduct of Business in the Council of States, we are required to lay the statement on the Table of the House. Therefore, we are laying it.

Madam, I beg to lay on the Table a statement (in English and Hindi) explaining the circumstances which had necessitated immediate legislation by the Delhi Municipal Corporation (Second Amendment) Ordinance, 1987.

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1988

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): Madam, I beg to move for leave to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957.

THE DEPUTY CHAIRMAN: The question is:

"That leave be granted to introduce a Bill further to amend the Delhi Municipal Corporation Act, 1957."

The House divided.

AYES 88

NOES 31

AYES—88

Ahluwalia, Shri S. S.
Amarjit Kaur, Shrimati
Anand Sharma, Shri
Ansari, Shri Hayat Ulla
Basumatari, Shri Dharanidhar
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhardwaj, Shri Hansraj
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayanrao
Faguni Ram, Dr.